

REMARKS

Prior to this amendment, claims 1-19 and 22-25 were pending in this application. These claims stand rejected by the current office action. Claim 10 is canceled herein because its subject matter has been moved to the independent claims. Assignee traverses the instant claim rejections.

Examiner's Interview

Assignee's representatives would like to thank examiners Songwei Qian and Mary Steelman for the courtesies extended to assignee's representatives (Bill Nasuti, Connie Dunbar, Timothy Wilson, and John Biernacki) during the telephone interview on September 2, 2008. The interview discussed a proposed amendment to claim 1 and the cited art with respect to the proposed claim amendment. The remarks and the amendments contained herein further summarize the interview.

Claim Rejections – 35 U.S.C. § 101

Claims 1-19 stand rejected under 35 U.S.C. § 101. Assignee respectfully disagrees with the instant rejection, but in order to expedite prosecution of this application, independent claim 1 has been amended to recite the presence of data processors with respect to the subject matter of claim 1. In view of the foregoing, assignee respectfully requests that the instant rejection be removed and the claims be allowed.

Claim Rejections – 35 U.S.C. § 103

In the current office action, claims 1-7, 10-19, and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLong (U.S. Patent No. 5,892,947) in view of Kamani et al (U.S. Publication No. 2005/0015666). Claims 8, 21, and 22 are rejected under § 103 over DeLong in view of Kamani in further view of Hansen (U.S. Patent No. 6,449,744). Claim 9 is rejected under § 103 over DeLong in view of Kamani in further view of Walker (Mark H. Walker and Nanette Eaton, Microsoft Office Visio 2003 Inside Out, Microsoft Press, October 29, 2003). Assignee respectfully traverses the rejections.

Claim 1 is directed to a system for evaluating tests of a computer program. Claim 1 is amended herein with the subject matter of previously pending claim 10, which reads as follows: wherein a test designer independently generates the testing criteria, wherein a test automator and a test results analyst operate in separate and insulated software environments from the test designer's environment for generating the testing criteria.

As discussed during the interview, this results in many advantages such as keeping the test designer and the test results analyst insulated from the test coding automation implementation details. As support in assignee's specification, the isolation of the test designer (first phase) from the test automator (second phase) and test results analyst (third phase) is illustrated in FIG. 1 of assignee's specification, which is reproduced below.

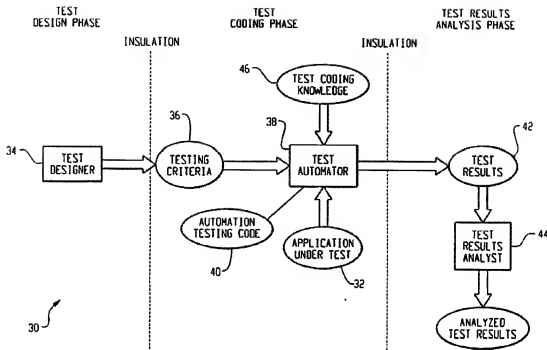


Fig. 1

The office action maintains that such isolation of the test designer from both the test automator and test results analyst (as required in claim 1) is disclosed in paragraph 12 of Kamani. Paragraph 12 of Kamani reads as follows (emphasis added):

[0012] The foregoing problems with the prior state of the art are overcome by the principles of the present invention, which are directed towards systems, methods, and computer program products for *isolating the evaluation of actual test results* against expected test results *from the test module that generates the actual test results*. In a test environment, a test module executes a test (e.g., to test the operation of a software module) that generates actual test results. The test module sends the actual test results to a results evaluation sub-system. The results evaluation sub-system receives the actual test results.

This passage from Kamani teaches that test results generation (phase 2) is to be isolated from test results evaluation (phase 3). However, there is no disclosure that the test designer's environment is separate and insulated from the other two phases as required in

claim 1. In fact, the very title of Kamani further illustrates that Kamani is focused on isolation of the test results generation and test results evaluation (emphasis added): “*Isolating The Evaluation Of Actual Test Results Against Expected Test Results From The Test Module That Generates The Actual Test Results.*”

To further evidence the significant differences between claim 1 and the cited art, Kamani teaches away from the isolation of the test designer as recited in claim 1. For example, paragraph 59 of Kamani teaches that a test designer is involved with the actual testing (emphasis added): “When test results 141 do not indicate a successful test in view of expected test results 146, test results 141 [c]an be further evaluated, for example, by a *test developer with knowledge of the test and/or the test environment.*”

In view of the significant differences between the cited art and the subject matter of claim 1, claim 1 cannot be rendered unpatentable by the cited art and should be allowed.

Similar to claim 1, the subject matter of the other independent claims (i.e., claims 22 and 24) has been amended to emphasize the separate and insulated nature of the different environments. As discussed above, it is respectfully submitted that the cited references fail to teach or suggest such claimed features. Therefore, it is respectfully requested that the rejection of these independent claims be withdrawn and these claims proceed to issuance.

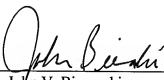
With respect to the dependent claims, assignee at this time has not provided arguments in support of their patentability. However, it is respectfully submitted that because the independent claims are now in condition for allowance, the dependent claims which depend directly or indirectly therefrom are also in condition for allowance.

However, assignee reserves the right to argue the patentability of certain of the dependent claims in the instant application at a future time, should that become necessary.

CONCLUSION

For the foregoing reasons, assignee respectfully submits that the pending claims are allowable. Therefore, the examiner is respectfully requested to pass this case to issue.

Respectfully submitted,

By: 
John V. Biernacki
Reg. No. 40,511
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-3939